## **EXHIBIT** iii

Defendant's Deficiency Letter



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January 3, 2024

### Via Electronic Mail

Shirley LaVarco Civil Rights Corps 1601 Connecticut Ave. NW, Suite 800 Washington, D.C. 20009 Telephone: (202) 844-4975

RE: Cause No. 4:23-cv-00662, Kerry Lee Thomas v. Robert Johnson, et al., In the

United States District Court for the Southern District of Texas

### Dear Counsel,

This letter relates to your responses to Defendants, Wayne Schultz and Eric Bruss, discovery requests. We are in receipt of Mr. Thomas' discovery responses sent on October 18, 2023 and November 2, 2023. Also, on December 6, 2023, you produced to Defendants documents which you stated were "Mr. Thomas's 3d Amended Responses to Schultz's 1st RFPs." With that production, you did not provide any written responses or objections; therefore, we are unsure which Requests these documents relate to. Please revise your responses and indicate which requests the bate stamped documents respond to in compliance with Rule 34(b)(2)(E) of the Federal Rules of Civil Procedure.

To date, you have produced two categories of documents in response to Defendants' forty Requests for Production: (1) emails between Mr. Thomas' legal counsel and the media and (2) medical records. The attached chart outlines where you have either asserted an improper objection or have not produced any documents. Additionally, many of Mr. Thomas' responses include the following objection:

Mr. Thomas objects to the disclosure of documents already in the possession, custody, or control of Defendants, either personally or through Defendants' employer or former employer (the Harris County Constable's Office, Precinct 1). Defendants therefore have equal or superior access to the requested documents.

Rather than listing every response which impermissibly objects to the production of documents or other things in the possession, custody, or control of Harris County Constable's Office, Precinct 1,

Defendants assert that responses containing this objection are improper. Harris County Constable's Office, Precinct 1 is not a party to this lawsuit. If Plaintiff has documents from or communications with Harris County Constable's Office, Precinct 1 or any other law enforcement agency which are responsive to Defendants' Requests, Plaintiff must produce those documents and communications. Even if Harris County Constable's Office, Precinct 1 were a party to this lawsuit, Plaintiff's "equal or superior access" objection is improper. See Apollo MedFlight, LLC v. BlueCross BlueShield of Texas, No. 2:18-CV-166-Z-BR, 2020 WL 520608, at \*10 (N.D. Tex. Jan. 13, 2020); see also Orchestrate HR, Inc. v. Trombetta, 178 F. Supp. 3d 476, 508 (N.D. Tex. 2016). Plaintiff cannot skirt his responsibility to produce responsive documents and information to Defendants by simply declaring that Defendants have access to the documents requested. Id.

In addition to the above issues with Plaintiff's responses and objections, Defendants assert the following discrepancies and deficiencies with respect to Plaintiff's discovery responses and request that Plaintiff promptly amend and supplement his responses.

Sincerely,

/s/Celena Vinson Celena Vinson Additional Responses to Plaintiff's Objections:

Defendants' Request for Production	Plaintiff's Responses and Objections	Defendants' Responses to Plaintiff's
RFP No. 1: All	Mr. Thomas construes this request not to seek	Objections Disintiff's response
documents and	Mr. Thomas construes this request not to seek	Plaintiff's response
communications	any communications between Mr. Thomas and counsel or materials that have been	raises objections
		without indicating whether any
supporting (or refuting) any	previously disclosed during this litigation. Mr. Thomas objects that this request is vague, unduly	responsive
contentions you	burdensome, and not proportional to the needs of	documents are being
are making in this	the case. Fed. R. Civ. Pro. 26(b). Moreover, Mr.	withheld based on
Lawsuit.	Thomas objects because this request calls for the	these objections as is
Lawsuit.	disclosure of attorney work product prepared in	required by the
	anticipation of litigation or for trial. Defendant	federal Rules of
	Schultz has failed to demonstrate a substantial	Civil Procedure.
	need for such attorney work product and has	Fed. R. Civ. P.
	failed to demonstrate that he would be unable to	34(b)(2)(C) ("An
	obtain their substantial equivalents by other	objection must state
	means without undue hardship.	whether any
	The state of the s	responsive materials
	In addition, Mr. Thomas objects to the disclosure	are being withheld
	of documents already in the possession, custody,	on the basis of that
	or control of Defendants, either personally or	objection.").
	through Defendants' employer or former	,
	employer (the Harris County Constable's Office,	Plaintiff's objection
	Precinct 1). Defendants therefore have equal or	that Defendants'
	superior access to the requested documents.	request is not
		proportional to the
		needs of this case is
		absurd. This request
		is limited to
		documents and
		communications
		related to Plaintiff's
		claims in the present
		lawsuit. Therefore,
		this request is not
		vague, unduly
		burdensome, or
		unproportional to the
		needs of this case.
		Rather, it is directly
		related to and

		proportional to the needs of this case. Defendants seek relevant documents that support or refute Plaintiff's asserted claims.  Please amend your response and supplement your production
RFP No. 4: All documents and	Mr. Thomas construes this request not to seek any communications between Mr. Thomas and	Plaintiff's response raises objections
communications supporting (or refuting) any	counsel or materials that have been previously disclosed during this litigation. Mr. Thomas also construes this request not to seek	without indicating whether any responsive
contentions you are making in this Lawsuit.	the disclosure of attorney work product prepared in anticipation of litigation or for trial. If	documents are being withheld based on
Lawsuit.	Defendant Schultz is in fact requesting attorney work product, Mr. Thomas objects that Defendant Schultz has failed to demonstrate a	these objections as is required by the federal Rules of
	substantial need for the requested documents and has failed to demonstrate that he would be unable to obtain their substantial equivalents by other	Civil Procedure. Fed. R. Civ. P. 34(b)(2)(C) ("An
	means without undue hardship.	objection must state whether any
	Mr. Thomas objects to the request that he disclose other responsive documents and	responsive materials are being withheld
	communications that are already in the	on the basis of that
	possession, custody, or control of Defendants, either personally or through Defendants'	objection.").
	employer or former employer (the Harris County Constable's Office, Precinct 1).	
RFP No. 5: All	Mr. Thomas construes this request not to seek	Plaintiff's response
video recordings, audio recordings,	any materials that have been previously produced during this ligation. Mr.	raises objections without indicating
photographs, and	Thomas objects to the request that he disclose	whether any
social media posts	any video recordings, audio recordings, or	responsive
you reviewed or	photographs that he reviewed or relied on	documents are being
relied on to make the factual	because they are already in the possession,	withheld based on
allegations in the	custody, or control of Defendants, either personally or through Defendants' employer or	these objections as is required by the
Complaint.	former employer (the Harris County Constable's	federal Rules of
-	Office, Precinct 1). Moreover, any social media	Civil Procedure.

posts reviewed or relied on to make the factual Fed. R. Civ. P. allegations in the 34(b)(2)(C) ("An Complaint are publicly available and are objection must state referenced and linked to in the Complaint itself. whether any See Complaint ¶ 2 n.4; ¶ 51 n.42. Defendant responsive materials Schultz therefore has equal access to them. are being withheld on the basis of that objection."). Social media posts reviewed or relied by Plaintiff must be produced. Plaintiff's objection that responsive information is publicly available is irrelevant and improper. Defendants have requested production of the documents and information. Plaintiff cannot withhold responsive documents because they may be findable by Defendants somewhere on the internet. RFP No. 6: All Mr. Thomas objects to the request for "[a]ll Plaintiff referenced edited [or] enhanced . . . video recordings, audio edited, enhanced, and included edited, or otherwise recordings, [and] photographs" because it seeks manipulated, or the disclosure of attorney work product prepared otherwise doctored modified or in anticipation of litigation or for trial. Defendant versions of videos manipulated versions of any Schultz has failed to demonstrate a substantial and photographs in video recordings, need for such attorney work product and has his original audio recordings, failed to demonstrate that he would be unable to complaint; thus, his photographs, and obtain their substantial equivalents by other objection that the social media posts means without undue hardship. requested reviewed or relied information is on to make the Mr. Thomas is not aware of any responsive social privileged is factual allegations media posts in his possession, beyond those that incorrect. See Dkt. in the Complaint. are referenced in the Complaint, which are No. 1, FN 1-3, 5, 10, publicly accessible and linked to in the 11–41, 44–46; pp. 5, 7, 8, 10–14, 17.

		T = =
	Complaint itself. See Complaint ¶ 2 n.4; ¶ 51	Moreover,
	n.42	Defendants are not
		requesting
		communications
		between Plaintiff
		and his attorneys.
		Please amend
		response and
		supplement
		production
		accordingly.
RFP No. 8: All	October 18, 2023 Response:	Plaintiff's response
documents and	Mr. Thomas construes this request not to seek	that his
communications	any communications between Mr. Thomas and	"investigation
which evidence	counsel or materials that have been previously	continues as to the
or relate to your	disclosed during this litigation. Mr. Thomas	allegations in
	objects to the request insofar as it seeks	l — —
claim in Paragraph		Paragraph 7" and his claim that he will
7 of your	documents already in the possession, custody, or	
Complaint that you	control of Defendants, either personally or	supplement his
suffer from serious	through Defendants' employer or former	response is
and long-term	employer (the Harris County Constable's Office,	insufficient.
mental and	Precinct 1), including video recordings, audio	Plaintiff's response
emotional	recordings, and	and objections fail
consequences as a	photographs evidencing Mr. Thomas's injuries.	to confirm whether
result of this		information will be
incident.	Mr. Thomas's investigation continues as to the	produced and when
	allegations in Paragraph 7. He will supplement	it will be produced
	his response as required by applicable law.	as is required by the
		Federal Rules and
	November 2, 2023 Response:	Judge Rosenthal.
	Mr. Thomas construes this request not to seek	Fed. R. Civ. P.
	any communications between Mr. Thomas and	34(b)(2)(C); see also
	counsel or materials that have been previously	Judge Rosenthal's
	disclosed during this litigation. Mr. Thomas	Court Procedures,
	objects to the request insofar as it seeks	Section 5 ("a party
	documents already in the possession, custody, or	may not merely state
	control of Defendants, either personally or	that some of the
	through Defendants' employer or former	information is
		produced and more
	employer (the Harris County Constable's Office,	1 *
	Precinct 1), including video recordings, audio	will be provided
	recordings, and photographs evidencing Mr.	later. Instead, the
	Thomas's injuries.	party must state
		whether more
		information will be
		produced later, and

Mr. Thomas's investigation continues as to the when—either by the allegations in Paragraph 7 of the Complaint. Mr. requested date or by Thomas produces the following documents: another specified reasonable date."). Bates Nos. THOMAS00000000000034-Please amend THOMAS000000000000345. response and supplement accordingly. Plaintiff's response **RFP No. 20:** All Mr. Thomas construes this request not to seek documents and any communications between Mr. Thomas and that his counsel or materials that have been previously "investigation communications disclosed or referenced during this litigation. continues as to the which evidence or reflect your Thomas also construes this request not to seek matters indicated in medical expenses, the disclosure of attorney work product prepared this request" and his lost earnings, loss in anticipation of litigation or for trial. If claim that he will of future earning Defendant Schultz is in fact requesting attorney supplement his work product, Mr. Thomas objects that capacity, physical response is pain and suffering, Defendant Schultz has failed to demonstrate a insufficient. temporary and substantial need for the requested documents and Plaintiff's response permanent has failed to demonstrate that he would be unable and objections fail to physical and confirm whether to obtain their substantial equivalents by other means without undue hardship. Mr. Thomas's emotional information will be investigation continues as to the matters impairments, produced and when mental anguish and indicated in this request. He will supplement his it will be produced emotional distress, response as required by applicable law. as is required by the fear, humiliation, Federal Rules and and loss of Judge Rosenthal. enjoyment of life Fed. R. Civ. P. 34(b)(2)(C); see also as alleged in Judge Rosenthal's Paragraph 60 of your Complaint. Court Procedures, Section 5 ("a party may not merely state that some of the information is produced and more will be provided later. Instead, the party must state whether more information will be produced later, and when—either by the

requested date or by

RFP No. 21: All documents and communications which evidence or relate to your contention in Paragraph 66 of your Complaint that the injuries handicapped the use of your dominant arm.

### October 18, 2023 Response:

Mr. Thomas construes this request not to seek any communications between Mr. Thomas and counsel or materials that have been previously disclosed during this litigation. Mr. Thomas objects to the request insofar as it seeks documents already in the possession, custody, or control of Defendants, either personally or through Defendants' employer or former employer (the Harris County Constable's Office, Precinct 1), including video recordings, audio recordings, and photographs evidencing Mr. Thomas's injuries.

Mr. Thomas's investigation continues as to the allegations in Paragraph 66. He will supplement his response as required by applicable law.

### November 2, 2023 Response:

Mr. Thomas construes this request not to seek any communications between Mr. Thomas and counsel or materials that have been previously disclosed during this litigation. Mr. Thomas objects to the request insofar as it seeks documents already in the possession, custody, or control of Defendants, either personally or through Defendants' employer or former employer (the Harris County Constable's Office, Precinct 1), including video recordings, audio recordings, and photographs evidencing Mr. Thomas's injuries.

another specified reasonable date.").

Additionally, the Parties have agreed to and the Court has signed a protective order in this case. Please amend your response and supplement your production accordingly.

Plaintiff's response that his "investigation continues as to the allegations in Paragraph 66" and his claim that he will supplement his response is insufficient. Plaintiff's response and objections fail to confirm whether information will be produced and when it will be produced as is required by the Federal Rules and Judge Rosenthal. Fed. R. Civ. P. 34(b)(2)(C); see also Judge Rosenthal's Court Procedures, Section 5 ("a party may not merely state that some of the information is produced and more will be provided later. Instead, the party must state whether more information will be

Mr. Thomas's investigation continues as to the allegations in Paragraph 66. Mr. Thomas discloses the following documents:

- Bates No. THOMAS000000000000032
- Bates No. THOMAS000000000000033
- Bates Nos. THOMAS00000000000034– THOMAS00000000000345
- Bates No. THOMAS000000000000346
- Bates Nos. THOMAS000000000000348– THOMAS00000000000369.

produced later, and when—either by the requested date or by another specified reasonable date."). Please amend your response and supplement your production accordingly.

## RFP No. 22: All documents and communications which evidence or relate to your contention in paragraph 66 of your Complaint that you tried returning to construction work, but your injuries were too much of a barrier as alleged.

### October 18, 2023 Response:

Mr. Thomas construes this request not to seek any communications between Mr. Thomas and counsel or materials that have been previously disclosed during this litigation. Mr. Thomas objects to the request insofar as it seeks documents already in the possession, custody, or control of Defendants, either personally or through Defendants' employer or former employer (the Harris County Constable's Office, Precinct 1), including video recordings, audio recordings, and photographs evidencing Mr. Thomas's injuries.

Mr. Thomas's investigation continues as to the allegations in Paragraph 66. He will supplement his response as required by applicable law.

### November 2, 2023 Response:

Mr. Thomas construes this request not to seek any communications between Mr. Thomas and counsel or materials that have been previously disclosed during this litigation. Mr. Thomas objects to the request insofar as it seeks documents already in the possession, custody, or control of Defendants, either personally or through Defendants' employer or former employer (the Harris County Constable's Office, Precinct 1), including video recordings, audio recordings, and photographs evidencing Mr. Thomas's injuries.

Mr. Thomas's investigation continues as to the allegations in Paragraph 66. Mr. Thomas discloses the following documents:

Plaintiff's response that his "investigation continues as to the allegations in Paragraph 66" and his claim that he will supplement his response is insufficient. Plaintiff's response and objections fail to confirm whether information will be produced and when it will be produced as is required by the Federal Rules and Judge Rosenthal. Fed. R. Civ. P. 34(b)(2)(C); see also Judge Rosenthal's Court Procedures, Section 5 ("a party may not merely state that some of the information is produced and more will be provided later. Instead, the party must state whether more information will be produced later, and when—either by the

• Bates No. THOMAS000000000000032

requested date or by

	<ul> <li>Bates No. THOMAS000000000000033</li> <li>Bates Nos. THOMAS00000000000034— THOMAS000000000000345</li> <li>Bates No. THOMAS00000000000346</li> <li>Bates Nos. THOMAS000000000000348— THOMAS000000000000369.</li> </ul>	another specified reasonable date."). Please amend your response and supplement your production accordingly.
RFP No. 23: All documents and communications demonstrating your qualifications for any job which you claim you applied for after this incident.	Mr. Thomas construes this request not to seek any communications between Mr. Thomas and counsel or materials that have been previously disclosed during this litigation. Mr. Thomas objects to the request insofar as it seeks documents already in the possession, custody, or control of Defendants, either personally or through Defendants' employer or former employer (the Harris County Constable's Office, Precinct 1), including video recordings, audio recordings, and photographs evidencing Mr. Thomas's injuries.  Mr. Thomas's investigation continues as to the subject of this request. He will supplement his response as required by applicable law.	Plaintiff's response that his "investigation continues as to the subject of this request" and his claim that he will supplement his response is insufficient. Plaintiff's response and objections fail to confirm whether information will be produced and when it will be produced as is required by the Federal Rules and Judge Rosenthal. Fed. R. Civ. P. 34(b)(2)(C); see also Judge Rosenthal's Court Procedures, Section 5 ("a party may not merely state that some of the information is produced and more will be provided later. Instead, the party must state whether more information will be produced later, and when—either by the requested date or by another specified reasonable date.").

		D1
		Please amend your
		response and
		supplement your
		production
		accordingly.
<b>RFP No. 24:</b> All	Mr. Thomas's investigation continues as to the	Plaintiff's response
written responses	subject of this request. He will supplement his	that his
to any job	response as required by applicable law.	"investigation
applications that		continues as to the
you have made,		subject of this
whether the		request" and his
applications were		claim that he will
informal or formal,		supplement his
oral or written,		response is
since August 2020		insufficient.
and continuing to		Plaintiff's response
the present.		and objections fail to
		confirm whether
		information will be
		produced and when
		it will be produced
		as is required by the
		Federal Rules and
		Judge Rosenthal.
		Fed. R. Civ. P.
		34(b)(2)(C); see also
		Judge Rosenthal's
		Court Procedures,
		Section 5 ("a party
		may not merely state
		that some of the
		information is
		produced and more
		will be provided
		later. Instead, the
		party must state
		whether more
		information will be
		produced later, and
		when—either by the
		requested date or by
		another specified
		reasonable date.").
		Please amend your
		response and
		supplement your

		production
		accordingly.
RFP No. 25: All	Mr. Thomas construes this request not to seek	Plaintiff's response
documents and	any communications between Mr. Thomas and	that his
communications	counsel or materials that have been previously	"investigation
that reference or	disclosed during this litigation. Mr. Thomas's	continues as to the
relate to any efforts	investigation continues as to the subject of this	subject of this
you have	request. He will supplement his response as	request" and his
undertaken to find	required by applicable law.	claim that he will
employment since		supplement his
the date of your		response is
alleged injury. This		insufficient.
Request includes,		Plaintiff's response
without limitation,		and objections fail to
copies of all job		confirm whether
applications, job		information will be
advertisements,		produced and when
correspondence to		it will be produced
or from		as is required by the
prospective		Federal Rules and
employees,		Judge Rosenthal.
correspondence to		Fed. R. Civ. P.
or form any		34(b)(2)(C); see also
employment		Judge Rosenthal's
agencies or search		Court Procedures,
firms, and any		Section 5 ("a party
offer or rejection		may not merely state
letters.		that some of the
		information is
		produced and more
		will be provided
		later. Instead, the
		party must state
		whether more
		information will be
		produced later, and
		when—either by the
		requested date or by
		another specified
		reasonable date.").
		Please amend your
		response and
		supplement your
		production
		accordingly.

# RFP No. 26: All documents and communications which evidence or relate to your contention in Paragraph 68 of your Complaint that you experienced "heightened levels of anxiety, depression, and post-traumatic stress."

### October 18, 2023 Response:

Mr. Thomas construes this request not to seek any communications between Mr. Thomas and counsel or materials that have been previously disclosed during this litigation. Mr. Thomas objects to the request insofar as it seeks documents already in the possession, custody, or control of Defendants, either personally or through Defendants' employer or former employer (the Harris County Constable's Office, Precinct 1), including video recordings, audio recordings, and photographs evidencing Mr. Thomas's injuries.

Mr. Thomas's investigation continues as to the allegations in Paragraph 68. He will supplement his response as required by applicable law.

### November 2, 2023 Response:

Mr. Thomas construes this request not to seek any communications between Mr. Thomas and counsel or materials that have been previously disclosed during this litigation. Mr. Thomas objects to the request insofar as it seeks documents already in the possession, custody, or control of Defendants, either personally or through Defendants' employer or former employer (the Harris County Constable's Office, Precinct 1), including video recordings, audio recordings, and photographs evidencing Mr. Thomas's injuries.

Mr. Thomas's investigation continues as to the allegations in Paragraph 68. Mr. Thomas produces the following documents:

 Bates No. THOMAS00000000000034– THOMAS00000000000345

Plaintiff's response that his "investigation continues as to the allegations in Paragraph 68" and his claim that he will supplement his response is insufficient. Plaintiff's response and objections fail to confirm whether information will be produced and when it will be produced as is required by the Federal Rules and Judge Rosenthal. Fed. R. Civ. P. 34(b)(2)(C); see also Judge Rosenthal's Court Procedures, Section 5 ("a party may not merely state that some of the information is produced and more will be provided later. Instead, the party must state whether more information will be produced later, and when—either by the requested date or by another specified reasonable date."). Please amend your response and supplement your production accordingly. Plaintiff's response

that his

"investigation

**RFP No. 31:** Your current resume or vitae reflecting

Mr. Thomas's investigation continues as to the matters indicated in this request. He will

your educational	supplement his response as required by	continues as to the
background and	applicable law.	matters indicated in
employment		this request" and his
history.		claim that he will
		supplement his
		response is
		insufficient.
		Plaintiff's response
		and objections fail to
		confirm whether
		information will be
		produced and when
		it will be produced
		-
		as is required by the
		Federal Rules and
		Judge Rosenthal.
		Fed. R. Civ. P.
		34(b)(2)(C); see also
		Judge Rosenthal's
		Court Procedures,
		Section 5 ("a party
		may not merely state
		that some of the
		information is
		produced and more
		will be provided
		later. Instead, the
		party must state
		whether more
		information will be
		produced later, and
		when—either by the
		requested date or by
		another specified
		reasonable date.").
RFP No. 32: All	October 18, 2023 Response:	Plaintiff's response
memoranda, notes,	Mr. Thomas construes this request not to seek	that his
transcripts,	any communications between Mr. Thomas and	"investigation
records, logs,	counsel or materials that have been previously	continues as to the
diaries, calendars,	disclosed during this litigation. Mr. Thomas also	matters indicated in
minutes,	construes this request not to seek the disclosure	this request" and his
summaries, and	of attorney work product prepared in anticipation	claim that he will
other documents	of litigation or for trial. If Defendant Schultz is in	supplement his
made by you or	fact requesting attorney work product, Mr.	response is
anyone acting on	Thomas objects that Defendant Schultz has failed	insufficient.
your behalf that	to demonstrate a substantial need for the	Plaintiff's response
•		•

refer or relate to	requested documents and has failed to	and objections fail to
the events or	demonstrate that he would be unable to obtain	confirm whether
claims that form	their substantial equivalents by other means	information will be
the basis of this	without undue hardship.	produced and when
lawsuit.	-	it will be produced
	Mr. Thomas's investigation continues as to the	as is required by the
	matters indicated in this request. He will	Federal Rules and
	supplement his response as required by	Judge Rosenthal.
	applicable law.	Fed. R. Civ. P.
		34(b)(2)(C); see also
	November 2, 2023 Response:	Judge Rosenthal's
	Mr. Thomas construes this request not to seek	Court Procedures,
	any communications between Mr. Thomas and	Section 5 ("a party
	counsel or materials that have been previously	may not merely state
	disclosed during this litigation. Mr. Thomas also	that some of the
	construes this request not to seek the disclosure	information is
	of attorney work product prepared in anticipation	produced and more
	of litigation or for trial. If Defendant Schultz is in	will be provided
	fact requesting attorney work product, Mr.	later. Instead, the
	Thomas objects that Defendant Schultz has failed	party must state
	to demonstrate a substantial need for the	whether more
	requested documents and has failed to	information will be
	demonstrate that he would be unable to obtain	produced later, and
	their substantial equivalents by other means	when—either by the
	without undue hardship.	requested date or by
		another specified
	Mr. Thomas produces the following documents:	reasonable date.").
	• Bates Nos. THOMAS00000000000017-	
	THOMAS00000000000031	
	Mr. Thomas's investigation continues as to the	
	matters indicated in this request. He will	
	supplement his response as required by	
	applicable law.	
RFP No. 34: All	Mr. Thomas objects that this request is not	Plaintiff's Complaint
communications,	relevant to any party's claim or defense, nor is it	alleges that Plaintiff
including calls,	proportional to the needs of the case.	was "unarmed;
emails, and text		compliant with
messages, sent or		orders; and made
received by you on		no attempt to flee,
August 22, 2021.		resist arrest, or harm
		Defendant Johnson
		or any other person."
		Dkt. No. 1, ¶¶ 1, 72.
		Plaintiff also depicts
		himself as an

		innocent, loving
		father who was
		senselessly attacked
		_
		by a police dog on
		February 22, 2021.
		Dkt. No. 1, ¶ 1.
		Plaintiff's
		communications
		leading up to the
		incident are relevant
		to Plaintiff's direct
		claims, and
		Defendants have
		specified a narrow
		timeframe for the
		requested
		information—the
		night of the incident.
		Therefore,
		Defendants' request
		is relevant to the
		Parties' claims and
		defenses and it is
		proportional to the
		needs of this case.
RFP No. 35:	Mr. Thomas's investigation continues as to the	Plaintiff's response
Copies of any and	matters indicated in this request. He will	that his
all medical	supplement his response as required by	"investigation
records, reports, or	applicable law.	continues as to the
other documents	Tr	matters indicated in
from any hospitals,		this request" and his
therapists,		claim that he will
counselors,		supplement his
doctors, or medical		response is
providers that have		insufficient.
treated or		Plaintiff's response
examined you for		and objections fail to
_		confirm whether
your injuries that relate to this		information will be
Lawsuit.		
Lawsult.		produced and when
		it will be produced
		as is required by the
		Federal Rules and
		Judge Rosenthal.
		Fed. R. Civ. P.
		34(b)(2)(C); see also

RFP No. 37: Please produce any and all documents relating to the identity of any witnesses to, or any other person with knowledge of relevant facts concerning, the occurrence(s) made the basis of the claims asserted in the Complaint and events leading up to it.	Mr. Thomas construes this request not to seek any communications between Mr. Thomas and counsel or materials that have been previously disclosed during this litigation. Mr. Thomas also construes this request not to seek the disclosure of attorney work product prepared in anticipation of litigation or for trial. If Defendant Schultz is in fact requesting attorney work product, Mr. Thomas objects that Defendant Schultz has failed to demonstrate a substantial need for the requested documents and has failed to demonstrate that he would be unable to obtain their substantial equivalents by other means without undue hardship.	Judge Rosenthal's Court Procedures, Section 5 ("a party may not merely state that some of the information is produced and more will be provided later. Instead, the party must state whether more information will be produced later, and when—either by the requested date or by another specified reasonable date.").
RFP No. 39: All documents that reference or relate	Mr. Thomas's investigation continues as to the matters indicated in this request. He will supplement his response as required by	Plaintiff's response that his "investigation
to any wages, benefits, income,	applicable law.	continues as to the matters indicated in
or other monies		this request" and his claim that he will
you have received from any source		supplement his
since August 2020		response is
to present. This		insufficient.
Request includes,		Plaintiff's response
without limitation,		and objections fail to
copies of all		confirm whether

paystubs, W-2s,	information will be
and earning	produced and when
statements, as well	it will be produced
as any and all	as is required by the
documents relating	Federal Rules and
to any	Judge Rosenthal.
unemployment,	Fed. R. Civ. P.
social security, or	34(b)(2)(C); see also
disability benefits.	Judge Rosenthal's
	Court Procedures,
	Section 5 ("a party
	may not merely state
	that some of the
	information is
	produced and more
	will be provided
	later. Instead, the
	party must state
	whether more
	information will be
	produced later, and
	when—either by the
	requested date or by
	another specified
	reasonable date.").